

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
for the
16 SPRINGS LANDSCAPE REDUCTION PROJECT
and
Non-Significant Forest Plan Amendment

USDA - Forest Service
Sacramento Ranger District
Lincoln National Forest
Otero County, New Mexico

This Notice documents my decision to manage vegetation and fuels reduction within the 16 Springs analysis area of the Elk Canyon Watershed. This decision incorporates a Finding of No Significant Impact that documents my determination that the proposed activities are not a major Federal action significantly affecting the quality of the human environment. The Environmental Assessment and project record are available for review at the Sacramento District offices, with the project record residing at District Office:

- Sacramento Ranger District, 61 Curlew, Cloudcroft, NM (505 682-2551).

DECISION

I have decided to manage vegetation and fuels reduction in the 16 Springs project area as detailed in Alternative B - Proposed Action of the Environmental Assessment, which includes the analysis of a site specific Forest Plan (LRMP) Amendment.

Alternative B consists of commercial and pre-commercial thinning, woodland restoration by thinning, prescribed burning, pile and mechanical fuels treatment within the 16 Springs project area. Tables 2-2 on Page 16 of the 16 Springs Environmental Assessment displays the activities that comprise the selected alternative. A total of 23,388 acres is proposed for vegetation treatments within the project analysis area. A map is attached displaying site specific treatment.

My decision also includes implementation of the mitigations for Alternative B - Proposed Action as listed on Pages 15 through 16 of the Environmental Assessment. Clarification is added below for the selected alternative:

- Any owl habitat that has surveys greater than 10 years old will need to be resurveyed prior to project implementation.
- All activity fuels generated will be pulled away from private residences and/or property to a specified distance, as dictated by an on-site determination and discussion with the district Fuels Specialist and Contract Officer Representative.

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- Botanical surveys will be completed prior to project implementation. If sites are found they will be avoided, unless plant location makes implementation extremely difficult and costly. The biologist/botanist may then work with project manager for sensitive species that favor disturbance to assemble project design and implementation that may allow limited disturbance to located plants.
- Archeological surveys will be completed prior to project implementation. If sites are found they will be avoided, except as discussed in site documentation that allows treatment (e.g broadcast burning in lithic scatter).
- Mitigate impacts to local property owners by working one-on-one with landowners in project design to best mitigate aesthetic and wildlife concerns of landowner.

RATIONALE

The rationale for my decision to select Alternative B is based on the integration of the following components: (1) Alternative B meets the purpose and need for action as specified in the environmental assessment; (2) Alternative B addresses the issues identified during scoping; and, (3) it will comply with the Forest Plan as amended in the non-significant Plan amendment attached to this site-specific action.

Need for Action

As stated in the EA, a need exists for reducing fuel loading and ladder fuels adjacent to community identified "Wildland Urban Interface" areas in the vicinity of the 16 Springs communities; as well as adjacent to James Canyon and the Mescalero-Apache Indian Reservation. Decades of fire exclusion have resulted in fuel-ladder buildup and a transition from fire-adapted species to species that are less fire adapted. Non-adapted species have limbs and crowns that create a fuel ladder that can easily support progression from a surface fire to a crown fire. The desired condition for these stands is to return to a fire-adapted vegetation type that favors surface fires and does not possess the fuel ladders that can create a crown fire.

Compliance with the Forest Plan

The 16 Springs project area and associated 23,400 acres is located on the Lincoln National Forest and falls under the direction of the Lincoln Land and Resource Management Plan (Forest Plan), specifically that identified as Management Areas:

- ✓ 2F – Mountain Park
- ✓ 2G – Silver Spring
- ✓ 2H – Upper James
- ✓ 4I – James/Penasco
- ✓ 4O – 16 Springs
- ✓ 4U – Snow Canyon

Alternative B is not consistent with the Forest Plan with regard to treatment of vegetation within Mexican spotted owl protected activity centers (PAC). A project-specific non-significant amendment is required for treatment of more than 10% of the owl Mexican Spotted Owl (a T&ES specie) PAC's within the Basin Range East and meet remaining resource protection standards and guidelines. The EA analyzes this requirement.

Response to Public Comments

The Interdisciplinary Team was directed to develop Alternative C in response to internal and external comments received concerning treatment within Mexican spotted owl habitat. This alternative would defer treatment in MSO PAC's.

During the initial public review and comment period, 18 comments were received from interested parties. Comments ranged from concern over declining forest health, risk of high intensity wildfire, and loss of water yield due to the increase of stand densities over the decades in combination with recent drought. Except for internal comments for compliance with the MSO recovery plan, public comments were supportive of this project.

The purpose and need for action, as well as the proposed action, was mailed to interested and affected publics. Upon completion of the 30-day comment period, only two public comments were received, both expressing support for implementing the treatments proposed. I do not consider these comments substantial as regards 36 CFR 215.7.

I believe this analysis has adequately addressed all issues raised, as well as protecting identified resources.

Alternatives Not Selected

I did not select Alternative A - No-Action because it prescribes no activities, thus it neither meets the purpose and need for action nor moves the watershed toward the desired condition outlined in Chapter 3 of the EA. The risk of extreme fire danger would still exist under this alternative, posing a greater risk to fire-fighters and private property. The effects of the Walker Fire that occurred within the project area highlight the need for action to treat excessive vegetation.

I did not select Alternative C because it defers treatment of 6,070 acres in 19 PAC's within Mexican spotted owl PACs. Owl PACs possess the same stand structure as adjacent stands outside PACs; that is, high stand vegetative density with a related high risk for high intensity fire.

SUMMARY OF THE ENVIRONMENTAL ASSESSMENT

Scoping

The scoping process was initiated by an interdisciplinary team of resource specialists after development of an initial proposed action. The next step in the scoping process was to gather preliminary issues from agencies, organizations, and individuals in response to the Proposed Action. A scoping letter describing the Proposed Action was sent to 204 agencies, organizations, and individuals in August 28, 2003. The letter invited participation in the scoping process.

A total of 18 responses were received from individuals and organizations as a result of the scoping letter and subsequent public open house held in the community. Many of the responses held a single underlying concern for the health of the forest and their concern of fire in and around their homes and

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communities. Little concern was expressed in opposition of thinning and burning activities other than minimal opposition to some thinnings occurring immediately adjacent to selected homes due to aesthetic and wildlife related benefits derived from living next to a national forest.

After developing alternatives that addressed the public concerns and purpose and need for action, a summary of the proposed action was distributed for public comment on August 16, 2004. Two comments were received from two individuals that were in complete support for the project.

During the process of preparing the Environmental Assessment, the Interdisciplinary Team reviewed all comments and responses. The team also reviewed existing resource conditions and then generated a list of issues from both public comment and agency information.

Issues

Two issues were used to form alternatives to the Proposed Action.

Issue 1: Achieving stands within the 16 Springs landscape in a condition that has them resilient to natural disturbance, with stand structure and condition that is reflective of some of the conditions found historical within the various stand types.

Issue 2: Impact of stand treatments across the landscape that could impact the Mexican spotted owl without the results of monitoring that has been initiated associated with the Rio Peñasco project to the south of this analysis area. Specifically the issue was risen related to treatment within more than 10% of the owl PACS as identified across the Basin Range East.

Alternatives

I considered the effects of two action alternatives and a no-action alternative before selecting Alternative B - Proposed Action. A summary of each alternatives analyzed in detail follows.

Alternative A was the No-Action alternative. It prescribed no activities for managing vegetation in the 16 Springs project area. This alternative, which is required by the National Environmental Policy Act, provided an option for no action should the analysis show unacceptable impacts from the Proposed Action; and, it displayed baseline conditions useful when comparing and analyzing the environmental effects of the action alternatives. For a detailed description of Alternative A, refer to page 14 of the EA.

Alternative B - Proposed Action was based upon the comments received from public and internal comments on this proposed action. For a detailed description of the Proposed Action, refer to page 13 of the EA.

Alternative C - Defer Treatment in MSO PAC's responded to the issue of potential impact to treating more than 10% of Mexican spotted owl PACs, counter to the recovery plan established in the MSO Basin East document. For a detailed description of Alternative C, refer to page 14 of the EA. The decision to select Alternative B includes mitigation items as listed on pages 15 through 16 of the EA.

FINDING OF NO SIGNIFICANT IMPACT

My determination not to prepare an Environmental Impact Statement is based on the analysis of environmental effects disclosed in the EA, considering the following factors identified in the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (Code of Federal Regulations, Title 40, Part 1508.27):

Beneficial and adverse environmental effects described in the 16 Springs Environmental Assessment for Alternative B - Proposed Action were considered independently from each other to determine if the project would significantly affect the human environment. The analysis considers the effects to potentially affected resources and identified direct, indirect, and cumulative effects of the proposed action on these resources (EA, page 44 - 45). Based on the effects analysis summarized in the EA, I find none of the effects of implementing Alternative B are significant in terms of the Council on Environmental Quality Regulations.

The 16 Springs analysis area contains no prime farmlands, rangelands, forestlands, or parklands. Effects on wetlands and floodplains are discussed on page 46, and the effects on historic or cultural resources are discussed on page 45 - 46. Based on the effects analyzed, no significant effects were identified. I find that implementation of Alternative B - Proposed Action will not affect any unique characteristics of the geographic area such as historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. Alternative B is in accordance with the Secretary of Agriculture Memorandum 1827 for prime farm land, rangeland, and forest land. No wetlands or floodplains would be filled under Alternative B. Because no drainage of wetlands would occur and no wetlands or floodplains would be altered, Alternative B is consistent with Executive Orders 11988 and 11990.

Based on the analysis of effects summarized in the EA, I find that the effects of implementing Alternative B - Proposed Action, on the human environment are not likely to be highly controversial. This factor refers to scientific controversy regarding the size, nature, or environmental effect of the action. Comments received during the scoping period indicate that implementation of the project may generate controversy in the form of opposition to or support of the proposed action. However, this type of controversy does not make an action significant or require the preparation of an Environmental Impact Statement

The EA considered the effects to potentially affected resource areas (EA, Pages 37 - 45), and were based on site-specific data collected from the project area and experience by the IDT members, and included evaluating and monitoring effects of similar actions for several years. Based on the possible effects on the human environment summarized, I find that effects of implementing Alternative B, are not highly uncertain and do not involve unique or unknown risks.

The EA describes Alternative B in detail, including specific activities with respect to commercial and pre-commercial thinning and woodland fuels treatments. Effects of implementing these activities are described in Chapter 4 of the EA on (pages 37 - 46). Based on the effects summarized, I find that implementing Alternative B establishes no precedent for future actions which are likely to result in significant environmental effects.

Cumulative effects on the human environment were analyzed, and a summary of this analysis is

contained in Chapter 4 (pages 45 - 46). Based on the analysis of cumulative effects, I find that implementation of Alternative B, in conjunction with past, present, and foreseeable future actions, will not have a significant cumulative effect on the environment. Implementation of Alternative B would not conflict with the plans or policies of other jurisdictions.

The analysis of effects on the environment identified no irreversible or irretrievable commitments of resources associated with implementing Alternative B.

Alternative B would have no direct effects on sites or features listed, or eligible to be listed, in the National Register of Historic places; or any significant scientific, cultural, or historical resources that occur within the analysis area (EA, page 45). A finding of 'no effect' on heritage resources was made under the Programmatic Agreement with the New Mexico State Historic Preservation Office. Alternative B would have no adverse effects on American Indian treaty rights of taking fish, hunting, gathering roots and berries, and pasturing horses. Conversely, communication with the Mescalero-Apache Tribe indicated their support for actions that occur along a common boundary with the Reservation.

A Biological Assessment and Evaluation (BA&E) was prepared to determine the effect of the project on threatened, endangered and sensitive plants and wildlife species. A determination of 'Not Likely to Adversely Affect' was made for the Mexican spotted owl. A list of "Sensitive" species and a summary of determinations are listed in Appendix B of the EA. Informal consultation with the United States Fish and Wildlife Service was initiated regarding these determinations. Based on the analysis of effects and mitigation measures to be implemented for threatened and endangered species, I find that implementation of Alternative B will not adversely affect any threatened and endangered species or their critical habitat.

Alternative B -- Proposed action contributes to the health and safety of nearby communities by reducing hazardous fuel loading in portions of the wildland-urban interface. Alternative B reduces the possibility of a catastrophic wildland fire and creates a more defensible space around private property and other structures. It also enhances the capability of firefighters to more safely combat wildland fire by removing excessive fuel loading and fuel ladders that create crown fires. Specific prescribed fire procedures consider public safety by prescribing measures to minimize smoke through timing for favorable conditions and broadcasting public notices.

Alternative B would not sacrifice long-term production for any short-term uses because measures would be implemented to maintain long-term soil productivity.

Based on the analysis, I find that implementation of Alternative B - Proposed Action requires a project-specific non-significant amendment to the Forest Plan. A copy of the amendment is attached. This action is consistent with all other applicable federal, state, and local laws that provide for protection of the environment.

Alternative B does not impose a hardship on minority or low-income communities. The alternatives do not produce hazardous waste or conditions that might affect human populations. There would be no adverse environmental effects on civil rights, consumers, minorities, and women.

On the basis of the environmental consequences summarized in the EA and the absence of significance factors, and required disclosures addressed in this Finding of No Significant Impact, I find that no

adverse effects to the human environment will occur as a result of implementing Alternative B. Further, I find that the implementation of Alternative B - Proposed Action is not a major Federal action affecting the quality of the human environment, and that the preparation of an Environmental Impact Statement is not warranted.

FINDING OF CONSISTENCY WITH NATIONAL FOREST MANAGEMENT ACT

The 16 Springs Environmental Assessment was developed in accordance with the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act (NFMA) and its implementation regulations codified at Title 36, Part 219 of the Code of Federal Regulations. The Silvicultural Certification for this project is located in the project record.

DECISION IMPLEMENTATION

This decision may be implemented immediately upon publication of the decision in the Alamogordo Daily News.

APPEAL PROVISIONS

This decision is not subject to appeal pursuant to 36 CFR 215, as no substantive comments were received during the 30-Day comment period.

CONTACT FOR FURTHER INFORMATION

If you would like more information about the 16 Springs Environmental Assessment or this Decision Notice and Finding of No Significant Impact, please contact Ruth Esperance, Interdisciplinary Team Leader, Sacramento Ranger District, PO Box 288, Cloudcroft, New Mexico, 88345 or at (505) 682-2551.

Recommended by:

/s/Frank R. Martinez

FRANK R. MARTINEZ
Sacramento District Ranger
Lincoln National Forest

June 27, 2005

Date

Decision by:

/s/ M. Louise McGuire for

JOSE MARTINEZ
Forest Supervisor
Lincoln National Forest

June 30, 2005

Date